

**HUMAN GENOME SCIENCES
LEGAL DEPARTMENT****9410 Key West Avenue
Rockville, MD 20850****Phone: 301-309-8504****Fax: 301-309-8439****FAX COVER SHEET****DATE:** December 6, 2004**TOTAL NUMBER OF PAGES:** 4**TO:** Office of Pre-Grant Publications
United States Patent & Trademark Office**FAX NO.:** (703) 305-8568**PHONE NO.:** (703) 605-4285**FROM:** Michele Shannon (Reg. No. 47,075)**RE:** Application of: Olsen, et al.
Application No. 10/614,990-Conf. #8196
Publication No.: 2004/0198658-A1
Title: Stanniocalcin Polynucleotides,
Polypeptides, and Methods Based
ThereonAtty. Docket No. PF108P2D1
Filed: July 9, 2003
Published: October 7, 2004**CONTENTS:**

1. Fax Cover Sheet (1 page);
2. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) Due to Material Office Mistake (2 pages); and
3. Certificate of Transmission (1 page).

COMMENTS:

Please see the attached Request for Corrected Publication Under 37 C.F.R. § 1.221(b) Due to Material Office Mistake.

If you experience any difficulty receiving this transmission,
please contact Michele Shannon at (301) 354-3930.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Olsen et al.

Docket No.: PF108P2D1

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Examiner: C. J. Nichols

Art Unit: 1647

For: Stanniocalcin Polynucleotides, Polypeptides, and
Methods Based Thereon

**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)
DUE TO MATERIAL OFFICE MISTAKE**

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Commissioner for Patents
Washington, D.C. 20231

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DEC 6 2004

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, claims 2-15, 33-47, 49-62, 64-67, 79-102, 104-120, and 122-138 as originally filed were not published.

It appears that the publication is based on Applicants' Preliminary Amendment filed June 23, 2004. Applicants understand that changes to Rule 1.215 of 37 C.F.R. as published in the Federal Register published September 21, 2004 (69 FR 56481) would permit the publication of the application as amended by Preliminary Amendment. However, this rule did not go into effect until October 21, 2004, two weeks *after* the publication of the present application (69 FR 56481, 56482). Therefore the new version of 37 C.F.R. § 1.215 should not apply and the claims of the application should have published as filed.

VIA FACSIMILE DECEMBER 6, 2004


The above mistake is apparent from the Office records, as the application as filed contained 138 claims. Moreover, the above mistake could be material, as the full scope of the entire set of claims as filed cannot be determined from the publication. Thus, this error affects the scope of provisional rights accorded Applicants under 35 U.S.C. § 154(d) based on the instant publication. Additionally, the mistake in the claims could undermine the strength of the publication as a prior art reference, since a U.S. Patent Application Publication must claim the same invention in order to prevent others from submitting an Affidavit or Declaration of Prior Invention under 37 C.F.R. § 1.131.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: December 6, 2004


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MJP/MS/ba

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

4. Fax Cover Sheet (1 page);
5. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) Due to Material Office Mistake (2 pages); and
6. Certificate of Transmission (1 page).

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 6, 2004.



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